

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

STEVEN SHORT,

Defendant.

19 Cr. 704 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Defendant Steven Short's pro se motion to take judicial notice of his affidavit, pursuant to Federal Rule of Evidence 201, in which he claimed that "any applied [l]ien against his spouse's primary residence should be set aside or otherwise waived in the instant case circumstances," (Mot., dated March 5, 2025 [dkt. no. 275]). The Government opposed the motion, (Gov't Opp'n, dated Apr. 30, 2025 [dkt. no. 290]). Defendant then replied with a motion to withdraw his motion to take judicial notice, (Mot. to Withdraw, dated May 29, 2025 [dkt. no. 303]). For the reasons set out below, Defendant's motion to take judicial notice is DENIED, and Defendant's motion to withdraw is GRANTED.

Given Defendant's withdrawal of the motion, the Court denies Defendant's motion to take judicial notice as moot. Tupper v. New York, No. 24 Civ. 2582 (GRB) (SIL), 2024 WL 5399241 (E.D.N.Y. Oct. 17, 2024) (denying Plaintiff's motion to vacate the judgment of foreclosure and sale as moot because Plaintiff subsequently filed

a motion to withdraw the motion to vacate). Even if the Court were to address the merits of Defendant's motion, procedurally there is no pending evidentiary or other proceeding related to the lien wherein Defendant's affidavit could be noticed, whether under the Federal Rules of Evidence or otherwise. (Gov't Opp'n at 1.) And, Defendant's conveyance of the property in question was a fraudulent transfer, and the Government is entitled to pursue the property subject to the lien, which it has recorded properly. (Id.)

Accordingly, Defendant's motion to withdraw is GRANTED, and his motion to take judicial notice is DENIED as moot. The Clerk of the Court is directed to close dkt. nos. 275 and 303 and mail a copy of this order to Defendant.

SO ORDERED.

Dated: New York, New York
July 29, 2025



LORETTA A. PRESKA
United States District Judge